

Remarks:

Applicants have carefully studied the non-final Examiner's Action mailed 06/24/2004, having a shortened statutory period for response set to expire 09/24/2004, and all references cited therein. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicants respond to the outstanding Action by centered headings and numbered paragraphs that correspond to the centered headings and paragraph numbering employed by the Office, to ensure full response on the merits to each finding of the Office.

Claim Rejections – 35 U.S.C. § 112

1. Applicants acknowledge the quotation of 35 U.S.C. § 112, second paragraph.
2. Claims 2-5 stand rejected under 35 U.S.C. § 112, second paragraph, because the limitation "said elongate hinge post" lacks antecedent basis. Claim 1 is amended herewith and as currently amended antecedent basis is provided for said term.

Claim Rejections – 35 U.S.C. § 102

3. Applicants acknowledge the quotation of 35 U.S.C. § 102(b).
4. Claims 1, 2, 6 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Confoey. Reconsideration and withdrawal of this ground of rejection is requested for the reasons that follow.

Confoey teaches a split cylindrical sleeve 10 having half sections 11 and 12 that are hingedly interconnected to one another at hinge 13. A pair of apertured lugs 17 and 18, adapted to receive padlocks, respectively extends from half sections 11 and 12 opposite hinges 13 (col. 1, lines 62-68 and col. 2, lines 1-8). Accordingly, a thief who breaks the padlocks open by any means may remove cylindrical sleeve 10 because said cylindrical sleeve is then free to rotate about hinge 13.

In sharp, distinct, and patentable contrast, Applicants provide and recites in claim 1 a structure having not only the equivalent of hinge 13 and lugs 17 and 18, but in addition thereto another pair of lugs positioned on the same side of the cylindrical sleeve as the hinge. Thus, defeating the padlock on the lugs opposite the hinges does not enable opening of the cylindrical sleeve because yet another padlock prevents rotation of the half sections about the hinge. This

patentable structure was initially presented in claim 11, so said claim has been canceled and its subject matter has been added to that of claim 1.

5. Claims 1-3 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Geuvjehizian. Reconsideration and withdrawal of this ground of rejection is requested for the reasons that follow.

The Geuvjehizian structure includes no hinges and thus teaches away from the claimed invention. Two "completely separable protector portions" 32 and 34 are held together by a locking structure that includes lock bosses 44, 46 and aligned pin-receiving bosses 48, 50, both of which are formed integrally with protector 32. Pin bosses 52, 54 are formed integrally with protector 34. Pin boss 52 is positioned in alignment with lock boss 44 and pin-receiving boss 48 and plunger 64 interengages said parts when extended. Pin boss 54 is positioned in alignment with lock boss 46 and pin-receiving boss 50 but there is no mention of a plunger for interengaging parts 54, 46, and 50.

Significantly, if protectors 32 and 34 of the Geuvjehizian structure were hingedly interconnected to one another, one of the two "completely separable protector portions" 32, 34 would have to be excised from the corpus of the Geuvjehizian structure. Thus there is no motivation to introduce a hinge for hingedly interconnecting parts 32 and 34 and to jettison one of the two locking structures. Thus, the teachings and suggestions of Geuvjehizian would have impelled one of ordinary skill in this art away from, not toward, Applicant's invention as now claimed in claim 1, currently amended.

Concerning claim 2, Applicants respectfully traverse the Office's characterization of plunger 76 as a hinge post. Said plunger 76 is in axial alignment with plunger 64 and does not form a part of a hinge means. It is an axially-displaceable plunger and Applicants' invention as claimed includes no axial displaceable plungers or equivalent structures.

Claim Rejections – 35 USC § 103

6. Applicants acknowledge the quotation of 35 U.S.C. § 103(a).

7. Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Confoey as applied to claim 1 in view of Vance, Sr. Reconsideration and withdrawal of this ground of rejection is requested because claim 10 depends from now-allowable claim 1, as currently amended.

8. Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Geuvjehizian as applied to claim 1 and in view of Vance, Sr. Reconsideration and withdrawal of this ground of rejection is requested because claim 10 depends from now-allowable claim 1, as currently amended.

Allowable Subject Matter

9. Claims 4, 5, 8, 9 and 11 are indicated as being in condition for allowance if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. However, claim 4 includes limitations to Applicants' hinge means and to add such limitations to claim 1 would overly limit said claim. The novelty resides in now-canceled claim 11 so the limitations of said claim 11 have been added to claim 1.

10. Claims 4 and 5 are indicated as being allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Applicants have amended claims 4 and 5 to overcome the rejection thereof based upon 35 U.S.C. § 112, second paragraph. Said claims are believed to be in condition for allowance due to their dependency from claim 1, currently amended.

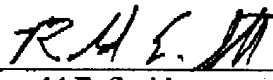
Conclusion

11. Applicants agree that the art made of record and not relied upon is not more pertinent to the claimed invention than the art cited.

12. If the Office is not fully persuaded as to the merits of Applicants' position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested. Applicants thank the Office for its careful examination of this important patent application.

Very respectfully,
SMITH & HOPEN

Dated: September 24, 2004

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CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Amendment A, including Introductory Comments, Amendments to the Claims and Remarks, is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 2450, Attn: Mr. John B. Walsh, (703) 872-9306 on September 24, 2004.

Dated: September 24, 2004



Deborah Preza